

IN THE DRAWINGS

No objection to the drawings was indicated by the Examiner. Unless an indication is provided by the Office to the contrary, Applicants assume the drawings to be acceptable.

REMARKS

Claims 1-20 remain pending in this application.

The Examiner rejected claims 1-19 under 35 U.S.C. § 103(a) as being unpatentable by U.S. Patent No. 5,966,665 (*Taki*) in view of U.S. Patent No. 4,654,859 (*Kung*). Applicants respectfully traverse this rejection.

In the Final Office Action dated November 18, 2004, the Examiner asserted that *Taki* discloses a second frequency where the CV frequency of the base unit receiver in the first frame (phases 51, 52 and 53) is disclosed, thereby anticipating changing the frequency within the first time frame. Applicants respectively disagree. The frame of the base unit 50 and the handset unit 60 disclosed in Figure 3 do not call for changing frequencies within a particular frame (emphasis added). The frame of the base unit cited by the Examiner, for example, comprises a frequency hop phase 51, a transmission phase 52, a transmission/reception switch phase 53, and a reception phase 54. In describing the various phases of the frame, *Taki* does not disclose changing the frequency within this particular frame, as called for by claims of the present invention. *Taki* discloses that the frequency may be changed at every frame, which relates to changing the frequency in the frequency hop phase 51. *Taki* discloses that there is only one frequency hop phase 51 per frame (see Figure 3). The frequency hop phase 51 is at the beginning of the frame. Therefore, the frequency is only changed between frames and not within a frame.

As disclosed by *Taki*, after the frequency hop phase 51, the frequency is not changed for the remainder of the frame. The hop counter 34 is incremented once every time a new frequency

hop is entered. See column 6, lines 27-28. However, as described in *Taki* and illustrated in Figure 3, there is only one frequency hop phase 51 at the beginning of the frame followed by the transmission/reception phase 53, and the reception phase 54. Upon completion of the frame, the next frequency switching is performed at the beginning of the next frame. Therefore, contrary to the Examiner's assertion, a second frequency is only chosen after the completion of a frame and not within the frame (emphasis added).

In contrast to *Taki*, claims 1 and 11 of the present invention call for selecting a second radio frequency during a time period within the first time frame. Therefore, contrary to Examiner's assertion, *Taki* does not disclose selecting a second frequency during a particular time frame. *Taki* discloses that a new hop phase is entered every time the frame number frame counter 32 is reset. See column 6, lines 28-32. The hop number is used as an index parameter to read hop frequency data from the hop table. See column 6, lines 33-34. Therefore, *Taki* makes it abundantly clear that the changing of the frequencies occurs at the frequency hop phase based on the frequency hop counter and the hopping table, which comprises a hop frequency data array B. See column 6, lines 36-53. *Taki* does not disclose changing the frequency within the frame. The frequencies may be hopped at the beginning of each frame. Therefore, *Taki* does not disclose or suggest or teach all the elements of claims 1 and 11 of the present invention. Further details regarding *Taki* provided below. Hence, Examiner's assertion that *Taki's* frequency synthesizer provides different frequencies for hopping does not apply for changing frequencies within a frame.

Furthermore, *Kung* does not make for the deficit of *Taki*. As described herein, *Taki's* system fails to teach selecting an initial frequency by a voltage controlled oscillator (VCO) of the first and second communication units and multiplying the initial frequency by a frequency multiplier to select a second radio frequency during a time period within the first time frame as defined by the independent claims of the present invention.

The Examiner uses *Kung* to provide a VCO and a frequency multiplier and states in the Advisory Action that the structure of the frequency multiplier is well known to one of ordinary skill in the art. However, merely adding the disclosure of a VCO and a frequency multiplier to *Taki* does not provide selecting an initial frequency using a VCO (as called for by claims 1 and 11), nor does the combination (of *Taki* and *Kung*) provide selecting a second frequency by multiplying the initial frequency during a time period within the first time frame, and subsequently performing communications in a second time frame, as called for by claims 1 and 11. In other words, *Taki* is missing more than the elements of a VCO, frequency multiplication, or frequency synthesizer contrary to Examiner's suggestions in the Final Office Action dated November 18, 2004. Therefore, adding the disclosure of *Kung* would not make up for the deficits of *Taki*.

Kung does not provide the selecting and initial frequency using a VCO. *Kung* also does not provide a second frequency by multiplying the initial frequency during a time period within the first frame. *Kung* discloses a channel hopping system that provides a VCO output that is divided (not multiplied) by factor (M) to produce an input reference frequency for a phase locked loop (see col. 3, lines 28-34, Figure 1). The mere mention of multiplying a frequency in *Kung*

does not disclose multiplying an initial frequency to produce a second frequency during a first time frame, as called for by claims 1 and 11. Therefore, contrary to the Examiner's assertions in the Advisory Action, *Kung* teaches away from the multiplying of the initial frequency, as called for by claims 1 and 11. Neither *Taki*, *Kung*, nor their combination, disclose, teach, or make obvious selecting an initial frequency using a VCO, nor does the combination provide selecting a second frequency by multiplying the initial frequency during a time period within the first time frame, and subsequently performing communications in a second time frame, as called for by claims 1 and 11. Therefore, *Taki*, *Kung*, nor their combination disclose or make obvious all of the elements of claims 1 and 11 for at least the reasons cited above.

Independent claims 1, and 11, are allowable for at least the reasons cited above. Additionally, dependent claims 2-10 and 12-20, which depend from independent claims 1 and 11 are also allowable for at least the reasons cited above.

The Examiner rejected claim 20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,966,665 (*Taki*) in view of U.S. Patent No. 4,654,859 (*Kung*) as applied to claim 1 above, and further in view of U.S. Patent No. 5,590,410 (*Deutsch et al.*). Applicants respectfully traverse this rejection.

Contrary to the Examiner's previous assertions, Applicants respectfully submit that claim 20, which either directly or indirectly depends from independent claim 11 of the present invention, is not disclosed or made obvious by *Taki*, *Deutsch*, nor their combination. As described above, *Taki* does not disclose selecting a second frequency by multiplying the initial frequency during a time period within the first time frame, and subsequently performing

communications in a second time frame, as called for by claim 11. Additionally, as described above, *Kung* does not provide these elements in claim 11 (and therefore, in claim 20 due to its dependency to claim 11) that are not provided by *Taki*. Adding the disclosure of *Deutsch*, which the Examiner cites for providing an external telephone circuit as the PSTN, does not make up for this deficit. In other words, even adding the disclosures of *Kung* and *Deutsch* to *Taki* would still not provide all of the elements of claim 20. Therefore, for at least the reasons cited above, claim 20 is allowable.

Claim 20 is allowable for at least the reasons cited above.

Reconsideration of the present application is respectfully requested.

In light of the arguments presented above, Applicants respectfully assert that claims 1-20 are allowable. In light of the arguments presented above, a Notice of Allowance is respectfully solicited.

Independent claim 11 is allowable for at least the reasons cited above. Additionally, dependent claim 20, which depends from independent claim 11, is also allowable for at least the reasons cited above.

Reconsideration of the present application is respectfully requested.

In light of the arguments presented above, Applicants respectfully assert that claims 1-20 are allowable. In light of the arguments presented above, a Notice of Allowance is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Houston, Texas telephone number (713) 934-4069 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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